

## **REMARKS**

Claims 1-11 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER DOCTRINE OF DOUBLE PATENTING**

Claims 1-11 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-16 of copending Application No. 09/838,490. Applicant has submitted a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application, Form PTO/SB/25. It is believed that the Terminal Disclaimer overcomes the Double Patenting rejection. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the double patenting rejections.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 1-11 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed. Claim 1 as amended recites an automatic evaluation method with steps of comparing a simulation result with reference data prepared in advance and storing a comparison result that indicates whether the target program operated correctly. The automatic evaluation method, with steps of comparing an output result and storing a comparison result, provides a useful, concrete, and tangible result. The method is therefore directed to statutory subject matter.

Claim 6 as amended recites an automatic evaluation system with an automatic

evaluation unit configured to compare a simulation result with reference data prepared in advance and to store a comparison result indicating whether the target program operated correctly. The automatic evaluation system with the automatic evaluation unit provides a useful, concrete, and tangible result. The system is therefore directed to statutory subject matter.

With regard to claims 2-5, and 7-11, Applicant notes that each either directly or indirectly depends from claims 1 and 6, which are directed to statutory subject matter. Therefore, claims 2-5 and 7-11 are also directed to statutory subject matter. Applicant respectfully requests withdrawal of the rejections.

#### **CLAIM OBJECTIONS**

Claim 6 and 7 stand objected to because of informalities. With regard to claim 6, the typographical error has been removed. Claim 7 recites an automatic evaluation system as set forth in claim 6 wherein the simulation unit comprises a simulator body and a time monitor portion. The simulator body recited in claim 7 is configured to perform the simulation, while the time monitor portion is configured to determine when data renewal of the output screen becomes definite and to report the renewal completion notification by communicating with the simulator body. The limitations of claim 7 further limit the subject matter of claim 6 by reciting additional structure of the simulator unit.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-5 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claim 1 as amended recites the steps of performing a simulation of at least one operation of a target system operating the target program in response to an input event and reporting a renewal completion notification when data renewal of an output screen on which an output result of the simulation is reflected becomes definite. The steps recited in claim 1 are neither vague nor indefinite. The concern of the examiner with regard to the time when the result of the simulation is reported has been addressed by the amendment.

Claim 1 as amended also recites the step of performing a simulation of at least one operation of a target system operating the target program in response to an input event. The step recited in claim 1 is neither vague nor indefinite. Applicant notes that claim 1 recites the step of performing a simulation of at least one operation of a target system operating a target program in response to an input event. The concern of the examiner with regard to the simulation has been addressed by the amendment.

Claims 2 and 8 as amended recite a predetermined time. The claims are neither vague nor indefinite. The concern of the examiner with regard to repetitive language has been addressed by the amendment.

Claim 3 as amended recites that the renewal completion notification is reported when the logical sum operation concludes. The claim is neither vague nor indefinite. The concern of the examiner with regard to the results of the logical sum operation have been addressed by the amendment.

With regard to claims 4 and 5, which are rejected by virtue of their dependence on claim 1, Applicant notes that claim 1 as amended is neither vague nor indefinite. Therefore, Claims 4 and 5 are neither vague nor indefinite by virtue of their dependence on claim 1. Applicant respectfully requests withdrawal of the rejections.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Triantafyllos et al. (U.S. Pat. No. 5,233,611). This rejection is respectfully traversed.

Applicant notes that claim 1 recites an automatic evaluation method with steps of performing a simulation of at least one operation of a target system operating a target program in response to an input event, and stopping the simulation and capturing an output result of the simulation by referring to an output screen when a renewal completion notification is reported. Triantafyllos does not teach or suggest these steps.

The Triantafyllos reference discloses a computer system whereby an application is run in regular operation and whereby keystrokes are sent to the application to simulate user input. (Triantafyllos, Col. 1, lines 6-12; Col. 3, lines 53-55, 62-67; Col. 8, lines 24-27, 51-63). The Triantafyllos system does not perform a simulation of an operation of a target system operating a target program. Rather, in the Triantafyllos system, the application program is operated in regular operation mode, apparently in its normal operating environment, while user input keystrokes are simulated.

In the present invention, a simulation of an operation of a target system operating a target program is performed. By performing a simulation of an operation of a target

system operating a target program, the present invention is distinguishable over the Triantafyllos system that simulates only user input keystrokes.

Applicant further notes that the Triantafyllos does not teach or suggest stopping a simulation and capturing the output result of the simulation by referring to the output screen when the renewal completion notification is reported. In Triantafyllos, the application program is operated in its normal operating environment, and is not stopped when a renewal completion notification is reported. The examiner states that in every embodiment disclosed by Triantafyllos, the simulation idles while waiting for the next input event. Applicant notes that idling while waiting for an input event does not amount to stopping the simulation in that the application program in Triantafyllos continues to operate while waiting.

Applicant notes that claim 6 recites an automatic evaluation system with a simulation unit configured to perform a simulation of at least one operation of a target system operating the target program and to stop the simulation and report a renewal completion notification when data renewal of an output screen on which an output result of the simulation is reflected becomes definite. Triantafyllos does not teach or suggest a simulation unit configured in this manner.

As discussed above, the Triantafyllos reference discloses a computer system whereby an application runs in regular operation and whereby keystrokes are sent to the application to simulate user input. (Triantafyllos, Col. 1, lines 6-12; Col. 3, lines 53-55, 62-67; Col. 8, lines 24-27, 51-63). The Triantafyllos system does not perform a simulation of the operation of the application program. Rather, the application program runs in its normal operating environment while user input is simulated. In the system

recited by claim 6, the simulation unit is configured to perform a simulation of an operation of a target system operating a target program. In this way, the present invention is distinguishable over the Triantafyllos system that simulates only user input keystrokes.

Applicant further notes that the Triantafyllos does not teach or suggest a simulation unit configured to stop the simulation and report a renewal completion notification when data renewal of an output screen on which an output result of the simulation is reflected becomes definite. In Triantafyllos, the application program is operated in its normal operating environment, and is not stopped. As discussed above, the examiner states that in every embodiment disclosed by Triantafyllos, the simulation idles while waiting for the next input event. Applicant notes that idling while waiting for an input event does not amount to stopping the simulation in that the application program in Triantafyllos continues to operate while waiting.

With regard to Claims 2-5 and 7-11, Applicant notes that each either directly or indirectly depends from Claims 1 and 6, which define over the prior art as discussed in detail above. Therefore, Claims 2-5 and 7-11 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

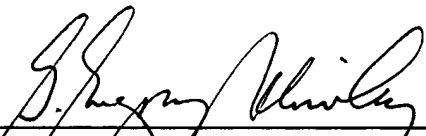
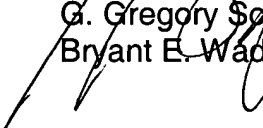
## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
G. Gregory Schivley, Reg. No. 27,382  
  
Bryant E. Wade, Reg. No. 40,344

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GGG/BEW/MPD